

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ANTHONY WILLIAMS,)	CIV. NO.18-00336 DKW-RLP
)	
Plaintiff,)	DEFICIENCY ORDER
)	
vs.)	
)	
WARDEN KOBAYASHI, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a prisoner proceeding pro se, has filed a civil action but has not submitted the filing fee or an in forma pauperis (“IFP”) application. Instead, Plaintiff declares that, because he was granted IFP status in *United States v. Williams*, Cr. No. 17-00101 LEK (D. Haw. 2017), that is sufficient to show that he is indigent. Plaintiff is mistaken. Prisoners who seek to proceed IFP in a civil action must submit an Application To Proceed In Forma Pauperis By A Prisoner, a certified copy of their prison trust account activity for the prior six months, and authorize the withdrawal of funds. 28 U.S.C. § 1915(a)(2).

All parties instituting a civil action in a United States district court must either pay the civil filing fee (\$350.00 plus a \$50.00 administrative fee for civil suits; \$5.00 for writs of habeas corpus), or seek leave to proceed IFP. *See* 28

U.S.C. §§ 1914(a) and 1915(a); District Court Miscellaneous Fee Schedule ¶ 14. If a prisoner's IFP application is granted, the \$50.00 administrative fee is waived but the prisoner must pay the full \$350.00 civil filing fee regardless of the outcome of the case. *Id.* The court will order payments withdrawn from the prisoner's trust account when funds exceed \$10.00. Once the court has screened a prisoner complaint and ordered service, officers of the court shall issue and serve process.

Plaintiff must either pay the filing fee for commencing this civil action or submit an in IFP application within **twenty-eight days** of the date of this Order. Failure to do so will result in **AUTOMATIC DISMISSAL** of this action without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS HEREBY ORDERED that:

1. The Clerk of Court shall send Plaintiff an Application To Proceed In Forma Pauperis By A Prisoner with instructions.
2. Plaintiff shall pay the civil filing fee or submit the completed in forma pauperis application within **twenty-eight days** of the date of this Order. Failure to do so will result in **AUTOMATIC DISMISSAL** of this action.

3. To the extent Plaintiff's Declaration in Support of Motion to Proceed in Forma Pauperis can be construed as a motion to proceed in forma pauperis, it is DENIED.

IT IS SO ORDERED.

DATED: September 7, 2018 at Honolulu, Hawai'i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

Anthony Williams v. Warden Kobayashi, et al.; Civil No. 18-00336 DKW-RLP;
DEFICIENCY ORDER

Williams v. Kobayashi; Civil No. 18-00336 DKW-RLP; Williams 18-336 dkw (Def. Ord)